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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Klaus Nägele

Serial No.: 10/525,049

Filed: February 18, 2005

For: **DEVICE FOR MOUNTING
SEAT COVERS**

PATENT

Art Unit: 3726

Examiner:


SUBMISSION OF ENGLISH LANGUAGE PRELIMINARY EXAMINATION REPORT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the above-identified application.

Respectfully submitted,


Mark S. Bicks
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Dated: Apr 22, 2005

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 72.2)

To:	BARTELS UND PARTNER PATENTANWÄLTE BARTELS UND PARTNER Lange Strasse 51 70174 Stuttgart ALLEMAGNE Received: 05. APR. 2005 TERMIN

Date of mailing (day/month/year) 31 March 2005 (31.03.2005)	
Applicant's or agent's file reference 40rdb/129109	IMPORTANT NOTIFICATION
International application No. PCT/EP2003/006362	International filing date (day/month/year) 17 June 2003 (17.06.2003)
Applicant GOTTLIEB BINDER GMBH & CO. KG et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

None

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP, JP, US

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.+41 22 740 14 35	Authorized officer Agnes Wittmann-Regis Facsimile No.+41 22 338 89 70
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Translation

PATENT COOPERATION TREATY

PCT/EP2003/006362



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40rdb/129109	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/006362	International filing date (day/month/year) 17 June 2003 (17.06.2003)	Priority date (day/month/year) 22 August 2002 (22.08.2002)
International Patent Classification (IPC) or national classification and IPC B68G 7/05		
Applicant GOTTLIEB BINDER GMBH & CO. KG		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 09 September 2003 (09.09.2003)	Date of completion of this report 13 December 2004 (13.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/006362

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed☒ the description:

pages _____ 1-9 _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the claims:

pages _____ 1-10 _____, as originally filed

pages _____, as amended (together with any statement under Article 19

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the drawings:

pages _____ 1/6-6/6 _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages _____☐ the claims, Nos. _____☐ the drawings, sheets/fig _____5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/06362

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4-10	YES
	Claims	1-3	NO
Inventive step (IS)	Claims	5, 7-10	YES
	Claims	1-4, 6	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following documents:

D1: US 2002/108222 A1 (TILLNER THOMAS) 15 August 2002 (2002-08-15)

D2: DE 22 59 440 A (MARTIN FRIEDRICH) 6 June 1974 (1974-06-06).

1. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 lacks novelty within the meaning of PCT Article 33(2).

D1 discloses (the reference signs in parentheses refer to D1):

a device for mounting seat covers (30) on foam cushion parts (20) of a seat, with gripping elements (90) that, grouped in actuation groups (cf. paragraph [0033], figure 1), serve to receive profiled strips (31) arranged on the seat cover (30) and that, by means of a positioning device (50) that allows for relative movement between the foam cushion part (20) and each gripping element (90) (cf. paragraph [0031]), draws the profiled strips

(31) into channel-like recesses (21) in the foam cushion part (20) in order thereby to fix the seat cover (30) to the foam cushion part (20).

Therefore, the subject matter of claim 1 lacks novelty (PCT Article 33(2)).

2. Dependent claims 2-4 and 6 contain no features that, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step; see D1 and D2 and the corresponding text passages cited in the search report.
3. The combination of features contained in dependent claim 5 is neither known from nor rendered obvious by the available prior art. If a novel independent claim were formulated such that it included these features, it would meet the PCT requirements for novelty and inventive step (PCT Article 33(2) and (3)).
4. Claims 7-10 are dependent on claim 5 in terms of content and are regarded as such, and therefore they likewise meet the PCT requirements for novelty and inventive step (PCT Article 33(2) and (3)).